**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7198 OF 2006**

**Shri Uday Narottam Kapadia & Anr. ...Petitioners**

**V/s.**

**State of Maharashtra & Ors. ...Respondents**

**Shri P.K. Dhakephalkar, Senior Advocate instructed by Shri A.K. Saklikar for the Petitioners.**

**Shri V.P. Malwankar, Assistant Government Pleader, for Respondent Nos.1 to 4.**

**CORAM : H.S. BEDI, C.J., &**
**V.M. KANADE, J.**

**DATED : NOVEMBER 7, 2006.**

**P.C. :-**

**1. The learned Counsel for the petitioners very clearly states on instructions from his clients that the petitioners would not demand any FSI etc. as indicated in the document Exhibit-J.**

**2. It is also clear to us from a perusal of Exhibit-M that the Government appeared to have been influenced in its decision by the fact that the petitioners had demanded the FSI for the land to be handed over, which would**

mean it was not being given free. In view of the statement made by the learned Counsel for the petitioners, it is now clear that the petitioners would not demand any FSI in case a part of the land was released to the petitioners. In this view of the matter, we set aside the order Exhibit-L dated 18th August, 2006.

3. The respondents are directed to give a hearing to the petitioners and to take a decision afresh. The petitioners will appear before the Director of Town Planning on 23rd November, 2006.

4. The petition stands disposed of in the above terms.

CHIEF JUSTICE

V.M. KANADE, J.